

**A RESOLUTION BY
TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 24.68 ACRES AND IMPROVEMENTS THEREON KNOWN AS THE WYNTERBROOK APARTMENT COMPLEX, LOCATED AT 2600 CAMP CREEK PARKWAY IN THE CITY OF COLLEGE PARK, FULTON COUNTY, GEORGIA, FOR A NEGOTIATED PURCHASE PRICE NOT TO EXCEED \$10,000,000, PURSUANT TO THE AIRPORT NOISE COMPATIBILITY PROGRAM; AUTHORIZING RESIDENT RELOCATION ASSISTANCE CONSISTENT WITH THE AIRPORT NOISE COMPATIBILITY PROGRAM AND FEDERAL LAND ACQUISITION AND RELOCATION ASSISTANCE GUIDELINES. THE PURCHASE PRICE, ACQUISITION COSTS AND RELOCATION ASSISTANCE SHALL BE CHARGED TO AND PAID FROM CCID NUMBERS 5502 (AIRPORT RENEWAL AND EXTENSION FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5411001 (LAND) 7563000 (AIRPORT) 100033 (AIP 01) 31285 (DOA R N E AZ51) 0000 (DEFAULT) 00000000 (DEFAULT) 00000000 (DEFAULT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta, as owner and operator of the Hartsfield-Jackson Atlanta International Airport (the "Airport"), established and administers a Noise Compatibility Program ("NCP"), which has been approved by the Federal Aviation Administration ("FAA"), for the purpose of reducing the impact of aircraft noise on communities surrounding the Airport; and

WHEREAS, among other noise abatement and mitigation measures, the NCP provides for the acquisition of eligible properties sufficiently impacted by aircraft noise; and

WHEREAS, the City has entered into Airport Improvement Program Grant Agreement 3-13-0008-51 with the FAA for the purpose of funding the acquisition of certain, eligible noise properties and has previously appropriated the City's portion of shared acquisition funding, as authorized by Resolution 02-R-0233, adopted by the City Council on February 18, 2002, and approved by the Mayor on March 5, 2002 and Ordinance 03-O-0105, adopted by the City Council on February 3, 2003 and approved by the Mayor on February 11, 2003; and

WHEREAS, the City has identified property (the "Property") known as the Wynterbrook Apartment Complex, located at 2600 Camp Creek Parkway, in College Park, Fulton County, Georgia, consisting of approximately 24.68 acres and as further described in Exhibit A, which is eligible for purchase under the NCP; and

WHEREAS, the owner of the Property, 2600 Camp Creek, LLC, has expressed a desire to sell the Property to the City and has initiated litigation related to the Property; and

WHEREAS, consistent with the policies underlying the NCP, the purchase of the Property will serve to protect the Wynterbrook residents from the effects of aircraft noise and will also save the City significant litigation costs; and

WHEREAS, the parties have negotiated a purchase price which the Aviation General Manager believes, based on the appraised value of the Property, is fair and reasonable and consistent with the NCP and Federal Land Acquisition and Relocation Assistance Guidelines ("Federal Guidelines"); and

WHEREAS, the NCP and Federal Guidelines establish a framework for providing economic and other relocation assistance to property owners and residents impacted by the City's acquisition of noise property; and

WHEREAS, the Aviation General Manager recommends that the City acquire the Property and provide relocation assistance to eligible residents consistent with the NCP and Federal Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City is authorized to purchase the Property for a negotiated purchase price not to exceed \$10,000,000.

BE IT FURTHER RESOLVED, that the City is authorized to provide economic relocation assistance to impacted residents of the Property to the extent provided for by, and consistent with the terms of, the Federal Guidelines.

BE IF FURTHER RESOLVED, that the purchase price of the Property, all acquisition costs associated with the purchase, and any economic relocation assistance provided to Property residents shall be charged to and paid from CCID Numbers 5502 (Airport Renewal and Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5411001 (Land) 7563000 (Airport) 100033 (AIP 01) 31285 (DOA R N E AZ51) 0000 (Default) 00000000 (Default) 00000000 (Default).

BE IT FURTHER RESOLVED, that the Mayor, the Chief Procurement Officer, the Aviation General Manager, the City Attorney, and other City Officials, as necessary and appropriate, are authorized to take all necessary actions and execute all necessary documents on behalf of the City to close the transaction, including, but not limited to, recording the deed, verifying title, and accepting a policy of title insurance issued in favor of the City.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized and directed to make the payments required to accomplish the objectives of this Resolution, upon receipt of appropriate requisition(s) from the Aviation General Manager.

BE IT FINALLY RESOLVED, that no document consummating the transactions authorized by this Resolution will become binding on the City, nor will the City be liable under it, until it has been executed by the appropriate City official, attested, if necessary, by the Municipal Clerk, approved, if necessary, by the City Attorney and delivered to the owner of the Property.

16521.02

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lots 193 and 224 of the 14th District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the northwesterly right of way line of Herschel Road (having a 50 foot right of way) and the south line of Land Lot 193, said District and County; thence leaving said right of way line and running south 89 degrees 53 minutes 05 seconds west, along said land lot line, a distance of 1,533.87 feet to a point located at the corner common to Land Lots 193 and 224, said District and County; thence continuing along said land lot line and running south 85 degrees 25 minutes 05 seconds west, a distance of 222.80 feet to a point; thence leaving said land lot line and running north 03 degrees 32 minutes 56 seconds west, a distance of 926.70 feet to a point located on the southern right of way line of Camp Creek Parkway (having a variable right of way width); thence running along said right of way line the following courses and distances: north 89 degrees 19 minutes 05 seconds east, 379.70 feet; south 85 degrees 43 minutes 55 seconds east, 410.80 feet; south 73 degrees 18 minutes 56 seconds east, 96.80 feet; and south 60 degrees 52 minutes 48 seconds east, 231.77 feet to a concrete monument; thence leaving said right of way line and running south 28 degrees 41 minutes 23 seconds east, a distance of 607.98 feet to a point; thence running south 24 degrees 47 minutes 38 seconds east, a distance of 128.63 feet to a point; thence running south 89 degrees 19 minutes 22 seconds east, a distance of 441.10 feet to a point located on the northwesterly right of way line of Herschel Road; thence running along said right of way line, and following the curvature thereof, along the arc of a curve having a radius of 978.34 feet, a distance of 99.59 feet (said arc being subtended by a chord having a bearing of south 34 degrees 34 minutes 02 seconds west, and a length of 99.55 feet) to an iron pin found and the Point of Beginning; containing 25.48 acres as shown on ALTA/ACSM Survey for: CH Creekwood Corporation and Chicago Title Insurance Company, made by East Metro Surveyors & Engineers, Inc., bearing the seal of E. G. Davis, Ga. R.L.S. No. 2363, dated March 27, 1998.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

This resolution authorizes the acquisition of the Wynterbrook Apartment Complex ("Wynterbrook"), located at 2600 Camp Creek Parkway in College Park, Fulton County, Georgia, under the Airport's Noise Compatibility Program ("NCP"). This acquisition is consistent with the policies underlying the NCP in that it will serve to benefit the residents of Wynterbrook and generally reduce incompatible land use in communities surrounding the Airport. The legislation also authorizes the City to provide relocation assistance to Wynterbrook residents consistent with the Federal Land Acquisition and Relocation Assistance Guidelines.

2. Please provide background information regarding this legislation.

The Wynterbrook Apartment Complex consists of approximately 300 units on slightly less than 25 acres near the intersection of Camp Creek Parkway and Herschel Road in College Park. The property is within the 70 DNL, meaning that it is subject to a level of noise that the Federal Aviation Administration ("FAA") generally considers incompatible with residential use. The property is eligible for acquisition under the NCP approved by the FAA earlier this year.

The NCP and the Federal Land Acquisition and Relocation Assistance Guidelines establish a framework for providing assistance to residents of the apartments that will be impacted by the City's acquisition of noise property.

The City executed Airport Improvement Grant Agreement 51 with the FAA in 2002. This grant covers the acquisition of property within the 70-74 DNL contour and is available to fund 80% of the transaction. The City shares 20% of the cost, which amount was appropriated for the purpose of acquiring noise property shortly after the grant agreement was executed.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Purchase and Sale Agreement, Deed.

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. Fund Account Center (Ex. Name and number): CCID Numbers 5502 (Airport Renewal and Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5411001 (Land) 7563000 (Airport) 100033 (AIP 01) 31285 (DOA R N E AZ51) 0000 (Default) 00000000 (Default) 00000000 (Default)

5. Source of Funds: Example: Local Assistance Grant: Airport Improvement Program Grant

6. Fiscal Impact: This transaction will have an initial impact of up to \$10,000,000 plus transaction and relocation assistance costs in amounts to be determined. These costs will be recovered as described below.

7. Method of Cost Recovery: 80% of the acquisition and relocation costs will be recovered from a Federal Airport Improvement Program Grant. The City is responsible for 20% of the costs. This share was appropriated in 2003 shortly after the grant agreement was executed. Costs will be finally recovered upon the sale or redevelopment of the property.

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 2/27/08

Anticipated Committee Meeting Date(s): 3/12/08

Anticipated Full Council Date: 3/17/08

Commissioner Signature: 


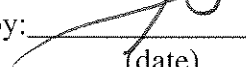
CAPTION

A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 24.68 ACRES AND IMPROVEMENTS THEREON KNOWN AS THE WYNTERBROOK APARTMENT COMPLEX, LOCATED AT 2600 CAMP CREEK PARKWAY IN THE CITY OF COLLEGE PARK, FULTON COUNTY, GEORGIA, FOR A NEGOTIATED PURCHASE PRICE NOT TO EXCEED \$10,000,000, PURSUANT TO THE AIRPORT NOISE COMPATIBILITY PROGRAM; AUTHORIZING RESIDENT RELOCATION ASSISTANCE CONSISTENT WITH THE AIRPORT NOISE COMPATIBILITY PROGRAM AND FEDERAL LAND ACQUISITION AND RELOCATION ASSISTANCE GUIDELINES. THE PURCHASE PRICE, ACQUISITION COSTS AND RELOCATION ASSISTANCE SHALL BE CHARGED TO AND PAID FROM CCID NUMBERS 5502 (AIRPORT RENEWAL AND EXTENSION FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5411001 (LAND) 7563000 (AIRPORT) 100033 (AIP 01) 31285 (DOA R N E AZ51) 0000 (DEFAULT) 00000000 (DEFAULT) 00000000 (DEFAULT); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$10,000,000

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 2.26.08  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)